

ECK TRUCKING COMPANY, INC.  
5948 W. Portersville Road West  
Otwell, Indiana 47564-9613  
Phone 812-482-5137

January 8, 1997

Docket Clerk  
Attn: FHW Docket #MC-96-28  
Federal Highway Administration  
Department of Transportation  
Room 4232, 400 Seventh Street SW  
Washington, DC 20590

Subject: Hours of Service Regulations

QA-21438

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LEGS./REGS. DIV.  
ADMINISTRATION

FHWA-97-2350-22

Dear Sir/Madam:

The following comments are submitted and the appropriate numbered questions are submitted for **your** consideration:

Comments regarding **hours** is as following,

**The total hours of service needs to be scrapped and allow the drivers to determine when they need to rest or drive. The current regulations really hinder the truck drivers. For example, "I was scheduled to deliver a load in Bronx, New York, at 10:00 am. Knowing that there is nowhere to park overnight in the area, I decided to take my eight hour break in New Jersey, in the last rest area on I-80 before you get to the city. At 5:45 the next morning, the New Jersey police, using sirens and loudspeakers informed the rest area occupants that the area was being closed and that we had to leave. What if I hadn't had my eight hours of rest? What about the others at the rest area? They would be forced to violate the rules in order to find another place, no telling how long it would take, or how far they would have to go."**

**The government is not trusted because the government does not trust the drivers' ability to decide if he needs rest. The government tells us how many hours we can work and does not trust our experience or skills to do our job safely. The government rules us with "one size fits all" laws and regulations. The government also directs us to work in unsafe ways; a police office, tire fighter, paramedic, doctor, or school bus mechanic; they can all work as many hours as they wish. Don't you think if it is dangerous for a truck driver to work 10 hours a day or 70 hours per 8 days, that other occupations should be limited too? If a police officer gets to handle a gun after working a double shift, why can't a truck driver work a double shift? How about a doctor? There is no limit to how many hours a surgeon can work. How about a school bus mechanic? Is it okay for him to work an 18 hour day working on your children's school bus brakes? We believe the government treats us this way because it does not think we are intelligent enough to know when we are tired or need sleep - one just can't sleep when the law says you must.**

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Here is the reason we believe drivers work hours are limited. It began when log books and limits on drivers work hours were first introduced because the railroad wanted to limit the competition. Hours limiting a driver only affects the long distance truckers. The HOS regulations are stiff, rigid, and out of touch with the current equipment and roads. They are certainly better than when the HOS regulations first came out. Now it seems the forces want to restrict HOS even more. That is not good business for truck drivers. 90% of all drivers quit or are dismissed because of HOS regulations, talk about making a driver shortage.

2. What should be the maximum allowable continuous driving time to enhance safety? **There should be no maximum allowable driving time. Currently, the maximum is 10 hours. This should be flexible and changed to allow the driver time to find a rest area or truck stop or parking area, or if things are going well and the driver is not tired, let him continue, until the driver decides when he is tired or hungry or needs to park.**
3. Should the FHWA provide a maximum continuous on-duty time period? No.
4. Should non-driving time be counted differently from driving time? Yes.
5. Is there a need or rationale to continue the 60/70 hour rule? **No. If there has to be a maximum time, 80 hours in 7 days and after 24 hours off duty, non driving, reset the clock.**
6. Congress legislated a 24 hour restart provision for certain types of carriers. Should there be a restart provision? **Yes. A restart provision after 24 hours off duty.**
7. Regulations currently require a driver to have a minimum of 8 hours consecutive off duty prior to driving for a maximum of 10 hours or be on duty for a maximum of 15 hours. What should the minimum continuous off-duty time be? **8 hours is sufficient time off, before driving. The current split time should not be changed.**
8. What should be the total daily work/rest cycle? **Do not mandate the cycle. This cycle really disrupts the body. It makes the driver park when they feel like driving and makes the driver drive when he is tired. All the scientific data does not call for the personal feelings of the driver. (Eliminate the cycle.)**
9. Should there be allowances for split sleep off-duty hours? Yes.
12. Should new HOS regulations depend upon how a driver is paid? **No. Eliminate HOS regulations.** How should such pay issues be addressed? **This is a company decision. You cannot decide how a company should pay its employees.** Should legislation be sought to remove the Fair Labor Standards exemption as it relates to overtime pay provisions? No.
13. For prescriptive based and performance based regulations? **No comments - company decides.**

14. Should the FHWA require on-board monitoring devices or other electronic methods? **No. Just another device for the DOT to gather revenue.**  
What would be the costs of small entities to purchase and maintain on-board monitoring devices or other electronic methods? **The cost would be prohibitive, just another expense for the company and many drivers would quit rather than put up with these requirements. This would just add to the current driver shortage.**
15. In addition to CMV driving time, what other motor vehicles should be included in the definition of driving time to enhance safety and productivity? **CMV driving time should also not be included in the requirements. Safety and productivity has nothing to do with time driving a CMV.**
16. How many continuous driving hours should be allowed due to adverse driving conditions? **Can't say how many. You cannot dictate from your chair how it is in the field. When you do and you are doing it, the drivers get frustrated, can't find parking, must stop but can't, just get out of it altogether!**
17. Should time spend traveling in CMV from enroute terminals to motels or restaurants in the vicinity of the enroute terminal be considered as driving time, on or off duty? No, **there is no more effort in driving a CMV bob tail than a personal vehicle. You don't include this on your duty time, why punish the CMV driver.**
18. Should time spend traveling in a CMV from the work reporting/releasing location to the driver's residence be considered as driving time or off duty time? Why? No. **Do you get paid driving to and from work? Do you count that as on duty time? No other conveyance does, airplanes or railroad or policemen, etc. Why put your foot on the neck of the CMV operation?**
19. Should there be specific clock time or circadian trough/peak provisions? Why? No. **You cannot dictate what is best for the CMV driver.**
20. Should early morning driving time be more restrictive than driving during normal daylight time? No, **some people prefer to drive during this time - less traffic, etc. The driver may have been off all day - waiting on a load, etc.**
21. Should there be regulatory relief for late morning or evening driving time? When and why? No, **there should be complete regulatory relief.**
22. Should the FHWA allow split sleep periods in other than sleeper berths? **Yes, allow split sleep periods but in sleeper berths only.**
23. Should periods of less than 2 hours in the sleeper berth or other facility count toward the accumulation of a minimum off duty period? Why? No. **Less than 2 hours would be too disruptive.**
24. Should the total minimum sleeper berth time change if split periods are used? No.
25. What is the proportion of drivers who currently split their periods of off duty time for purposes of rest or sleep? 25%

26. How do drivers most commonly split their rest periods. **They do it any way they can 5/3, 6/2, 4/4.**
27. If split sleep period are allowed, should there be some minimum for the longer period of time to encourage at least one lengthy period of sleep daily? Why? **This depends on the driver - most don't sleep over 4 or 5 hours no matter what.**
28. Should there be some minimum for the shorter period of time? Why? No, **leave it alone or eliminate the HOS regulations entirely.**
29. What is the proportion of drivers who utilize sleeping compartments while the CMV is in motion? **Do not have team drivers.**
32. Should there be exemptions variations or customization of any specific provision? No.
- a. How should the term long haul be defined? **over 500 miles**
  - b. How should the term short haul be defined? **less than 500 miles**
  - c. Should the HOS regulations be written in such a way that the weight or size of the CMV is considered? No, **this has no effect on sleep.**
  - d. Should the HOS regulations be written in such a way that the type of cargo being transported be considered? Why? No, **what difference does the cargo have to do with it?**
  - e. Should the regulations be different for passenger carriers than for other CMV drivers? No, **this has no effect on sleep.**
  - f. Should the FHWA have special provisions for small carriers? Why? **Yes, eliminate the log book entirely. The dispatcher watches closely over the drivers and they know when they must drive/sleep.**
  - g. How should small business motor carriers be defined? **Less than 100 trucks.**
  - h. What should those special provisions be? **Total exemptions less paperwork, etc., for retention of drivers.**
33. What consequences should be imposed upon a shipper or consignee if a driver violates HOS due to their actions or demands? **Shipper and consignee should pay a premium and be responsible for the drivers actions.**
34. How should the loading of freight, lumping, and engaging in activities other than driving be addressed? **Shipper load, consignee unload. Take this completely out of the drivers responsibility. Injuries to the drivers are caused mostly while unloading freight, a responsibility the driver should not have. 100% of our Worker's Compensation claims for truck drivers are due to unloading freight.**
35. How should situations where drivers encounter delays at shippers or consignees be considered in the proposal? **When a driver arrives at a shipper or consignee there should be a maximum 2 hours waiting time, then the shipper or consignee should have to pay a minimum of \$100.00 per hour to the truck for detention time.**
36. Should the FHWA seek legislation from Congress to Regulate shippers and consignees to prohibit them from making demands on a motor carrier and its drivers that would cause a violation of HOS rules? Why? Yes. **This includes loading and unloading of freight. If it is not required, they will not comply.**

37. Break down of all costs involved.

Workers compensation costs - drivers unloading freight causing injuries where consignees should unload then our costs for workers compensation increase.

Retention - hours spent on logs -just to have DOT fine you for something very minor. Drivers quit because they don't need the frustration of putting up with DOT and State enforcement personnel.

Driver Unsatisfaction - Just can't match logs with actual work.

LOP book - office & driver - This company has 1 full-time employee just to check log books. The drivers spend several hours each week just to make their paperwork look good. This has nothing to do with safety but it cuts into productivity.

Driver replacement - \$2000 per man training.

Thank you for your consideration.

Very truly yours,



Harold C. Eck

President

Eck Trucking Company, Inc.

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